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12 **UNITED STATES DISTRICT COURT**
 13 **NORTHERN DISTRICT OF CALIFORNIA**
 14 **SAN JOSE DIVISION**

15

16 **STEVEN NERAYOFF,**

17 Plaintiff,

v.

**RAGER, BELL, DOSKOCIL and MEYER,
 18 BRAD DOSKOCIL,**

Defendants.

Case No.: C-07-03101 JW

CASE MANAGEMENT STATEMENT

Date: October 15, 2007

Time: 10:00 a.m.

Ctrm: 8, 4th Floor

Judge: Hon. James Ware

19 **I. JURISDICTION AND SERVICE.**

20 The Court has jurisdiction of this matter, pursuant to 28 USC 1332, as the parties are citizens
 21 of different states and the amount in controversy exceeds \$75,000. Several attempts at service of
 22 process on both defendants have been unsuccessful, however the process server has indicated that
 23 based upon information he recently received, he will be able to complete service by October 5, 2007.

24 **II. FACTS.**

25 Defendants Rager, Bell, Doskocil and Meyer, and Brad Doskocil ("Defendant") provided
 26 Plaintiff with accounting, income tax planning, income tax return preparation, and audit
 27 representation services with respect to Plaintiff's Federal and State income tax obligations and
 28 returns for calendar years 1999, 2000, and 2001.

Defendants failed to exercise the proper degree of knowledge and skill common to Certified

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1 Public Accountants, and that said failure substantially contributed to the issuance to Plaintiff, by the
2 Internal Revenue Service, of notices of deficiencies and assessments of additional taxes, interest and
3 penalties due in amounts not yet determined exactly, but totaling in the millions of dollars, and
4 further, to Plaintiff being required to retain the services of other professionals to assist him in
5 negotiating with, and contesting, the notices of deficiencies and assessments of the Internal Revenue
6 Service. As Defendants have only recently been served with the Summons and Complaint, they have
7 not yet had an opportunity to file a response to the Complaint.

8 **III. LEGAL ISSUES.**

9 Did Defendants comply with their legal duties to Plaintiff.

10 **IV. MOTIONS.**

11 There have been no motions filed in this case.

12 **V. AMENDMENT OF PLEADINGS.**

13 Plaintiff does not anticipate amending the pleadings.

14 **VI. EVIDENCE PRESERVATION.**

15 Plaintiff has, to the best of his knowledge, maintained all documents relating to this case.

16 **VII. DISCLOSURES.**

17 No disclosures have been made yet.

18 **VIII. DISCOVERY.**

19 No discovery has been taken at this time.

20 **IX. RELATED CASES.**

21 There are no related cases.

22 **X. RELIEF.**

23 Plaintiff seeks damages according to proof, in excess of one million dollars.

24 **XI. SETTLEMENT AND ADR.**

25 Plaintiff is willing to participate in mediation.

26 **XII. CONSENT TO MAGISTRATE JUDGE FOR ALL PURPOSES.**

27 Plaintiff has declined to proceed before a magistrate judge.

28 **XIII. OTHER REFERENCES.**

1 This matter is not suitable for binding arbitration, a special master, or the Judicial Panel on
2 Multidistrict Litigation.

3 **XIV. NARROWING OF ISSUES.**

4 As Defendants have not yet appeared in this case, issues cannot be narrowed at this time.

5 **XV. EXPEDITED SCHEDULE.**

6 This case can be handled on an expedited basis with streamlined procedures.

7 **XVI. SCHEDULING.**

8 As Defendants have not yet appeared in this case, Plaintiff requests that any scheduling
9 decisions be made at a later Case Management Conference, after Defendants have appeared.

10 **XVII. TRIAL.**

11 Plaintiff has requested a jury trial and anticipates the trial will last seven days.

12 **XVIII. DISCLOSURE OF NON-PARTY INTERESTED ENTITIES OR PERSONS.**

13 Plaintiff has not filed a Disclosure of Non-party Interested Entities or Persons, as Plaintiff
14 does not believe there are any.

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16 Dated: October 1, 2007

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18 **RICE & BRONITSKY**

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20 By: /s/ Paul E. Rice
21 Paul E. Rice
22 Attorneys for Plaintiff
23 Steven Nerayoff
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